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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,247

10/24/2003

Donald A. Dorsey

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EXAMINER

ADDY, ANTHONY S

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/693,247

Applicant(s)

DORSEY ET AL.

Examiner

Anthony S. Addy

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2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/24/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7, 9-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tani, U.S. Publication Number 2003/0157923 A1 (hereinafter Tani)** and further in view of **Dalsgaard et al., U.S. Patent Number 6,792,284 (hereinafter Dalsgaard)**.

Regarding claims 1 and 20, Tani teaches an emergency call placement method for user equipment (UE) in idle mode camped on an old cell to place a call with a wireless communication network having a first radio access technology (see paragraph 0042, line 1 through paragraph 0044, line 7 and Figures 1 & 4-6 [i.e. It is inherent Tani teaches the user equipment is in idle mode and camped on an old cell of a wireless communication network, since mobile station 1 (see Fig. 1) is shown in wireless communication with base stations 2-1 through 2-n (see Fig. 1)]) comprising the steps of: (a) requesting a radio resource control connection using "emergency call" as an establishment cause (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6).

Tani fails to explicitly teach a method comprising the steps of: (b) changing to a new cell in a different steering area than the old cell and returning to step (a).

Dalsgaard, however, teaches a method and arrangement for cell reselection, wherein a mobile terminal performs cell reselection to camp on a new cell in a different steering area than the old cell (see col. 7, lines 60 through col. 8, lines 24 and Fig. 4). According to Dalsgaard, if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in the neighbor cell (see col. 8, lines 20-23). One of ordinary skill in the art further recognizes that it would be obvious to return to step (a) of the method in the instant invention, to request a radio resource control connection using "emergency call" as an establishment cause as taught by Tani, since Dalsgaard teaches if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in the neighbor cell.

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tani with Dalsgaard to include a method comprising the steps of: (b) changing to a new cell in a different steering area than the old cell and returning to step (a) to request available resources in a neighbor cell to complete a communication request to offer services to the mobile terminal.

Regarding claim 2, Tani in view of Dalsgaard teaches all the limitations of claim 1. Tani further teaches a method further comprising the steps of: receiving a radio resource control connection setup message, after the step of requesting again; completing a radio resource control connection setup, after the step of receiving (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and sending a

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connection management service request using "emergency call establishment" as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37)

Regarding claims 3, 5, 7, 9-13, Tani in view of Dalsgaard teaches all the limitations of claim 1. Tani fails to explicitly teach a method, wherein the new cell has a same or different carrier frequency than the first cell, the new cell has a second radio access technology and the new cell is in a different routing or location area than the first cell.

Dalsgaard, however, teaches a method and arrangement for cell reselection, wherein a mobile terminal performs cell reselection to camp on a new cell in a different steering area than the old cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6). Dalsgaard further teaches the new cell has a same or different carrier frequency than the first cell and the new cell has a second radio access technology (see col. 2, lines 36-48, col. 15, lines 42-56 and Fig. 6; where cells 2,4, 5 and 7 have the same carrier frequency and different from the carrier frequency of cells 1, 3, 6 and 8)

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tani with Dalsgaard to include a method, wherein the new cell has a same or different carrier frequency than the first cell, the new cell has a second radio access technology and the new cell is in a different routing or location area than the first cell to provide the mobile terminal with various value-added communication services, since the first and new cell support different communication services.

Regarding claims 14 and 15, Tani in view of Dalsgaard teaches all the limitations of claim 13. Tani in view of Dalsgaard further teaches the first radio access technology

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is wideband code division multiplex access (WCDMA) (see **Tani**, paragraph 0005, lines 1-5) and the second radio access technology is Global System for Mobile Communication (GSM) (see **Dalsgaard**, see Fig. 6).

Regarding claim 21, Tani in view of Dalsgaard teaches all the limitations of claim 20. Tani further teaches a method further comprising the step of: (c) completing a radio resource control connection setup, if a radio resource control connection setup message has been received from the wireless communication network (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and (d) sending a connection management service request using an "emergency call establishment" as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37).

3. Claims 4, 6, 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tani**, U.S. Publication Number 2003/0157923 A1 (hereinafter **Tani**) and **Dalsgaard et al.**, U.S. Patent Number 6,792,284 (hereinafter **Dalsgaard**) as applied to claims 3, 5, 7 and 20 above, further in view of **3GPP TS 24.008 v3.16.0**.

Regarding claims 4, 6, 8 and 22, Tani in view of Dalsgaard teaches all the limitations of claims 3, 5, 7 and 20. Tani in view of Dalsgaard fails to explicitly teach a method, wherein the step (b) returns to step (a) without performing a steering, routing or location area update.

However, according to the 3G TS 24.008 technical specification, it is disclosed that during a call re-establishment procedure no location updating are performed even if the mobile is not updated in the location area of the new selected cell, since the mobile

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station during a call re-establishment attempt does not return to the MM IDLE state (see page 84, paragraph 4.5.1.6, lines 1-10).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings detailed in the 3G TS 24.008 technical specification, to method of Tani and Dalsgaard to include a method, wherein the step (b) returns to step (a) without performing a steering, routing or location area update to expedite the request of available resources in a neighbor cell to complete a communication request to offer services to the mobile terminal.

#### ***Allowable Subject Matter***

4. Claims 16-19 are allowed.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fischer, U.S. Publication Number 2004/0224688 A1 discloses method for setting up connections in a mobile radio system.


Hwang et al., U.S. Publication Number 2004/0147266 A1 discloses system and method for supporting multimedia broadcasting/multicast service in a non-tracking area.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

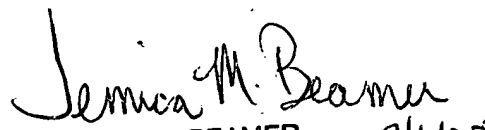
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
July 11, 2005



TEMICA BEAMER  
PRIMARY EXAMINER 7/11/05